

# Double Jeopardy

*In China, the rich and powerful can hire body doubles to do their prison time for them.*

by GEOFFREY SANT • AUG. 2, 2012



Illustration by Robert Neubecker.

In May 2009, a wealthy 20-year-old was drag racing through the city streets of Hangzhou, China, when his Mitsubishi struck and killed a pedestrian in a crosswalk. The car was traveling so fast that the victim—a 25-year-old telecom engineer of a modest, rural background—was flung at least 20 yards. Afterward, bystanders and reporters photographed the driver, Hu Bin, as well as his rich friends, who nonchalantly smoked cigarettes and laughed while waiting for the police to arrive at the scene.

These images, soon posted online, provoked a public outcry. Anger over the callous behavior of these wealthy Chinese youths was followed by [accusations of a police cover-up](#). First, the local authorities admitted that they had underestimated the speed Hu's vehicle was traveling by half. (Incredibly, the police had first suggested that Hu was going no more than 43 mph.) Public furor

rose again when Hu received a three-year prison sentence, an exceptionally light punishment in a country where drunk drivers guilty of similar accidents can receive the death penalty.

But the most stunning allegation was that the man appearing in court and serving the three-year sentence wasn't Hu at all, but a hired body double.

The charge isn't as far-fetched as it may sound. The practice of hiring "body doubles" or "stand-ins" is well-documented by official Chinese media. In 2009, a [hospital president](#) who caused a deadly traffic accident hired an employee's father to "confess" and serve as his stand-in. A company chairman is currently charged with allegedly arranging criminal substitutes for the executives of two other companies. In another case, after hitting and killing a motorcyclist, a man driving without a license hired a substitute for roughly \$8,000. The owner of a demolition company that illegally demolished a home earlier this year hired a destitute man, who made his living scavenging in the rubble of razed homes, and promised him \$31 for each day the "body double" spent in jail. In China, the practice is so common that there is even a term for it: [ding zui](#). *Ding* means "substitute," and *zui* means "crime"; in other words, "substitute criminal."

The ability to hire so-called substitute criminals is just one way in which China's extreme upper crust are able to live by their own set of rules. While Occupy Wall Street grabbed attention for its attacks on the "1 percent," in China, a much smaller fraction of the country controls an even greater amount of wealth. The top one-tenth of 1 percent in China [controls close to half of the country's riches](#). The children and relatives of China's rulers, many of whom grew up together, form a thicket of mutually beneficial relationships, with many able to enrich themselves [financially](#) and, if necessary, gain protection from [criminal allegations](#).

A police officer in central China agreed to discuss the phenomenon of "replacement convicts" with me so long as I didn't refer to him by name. "America has the rule of law, but China has the rule of people," the police officer told me. "If somebody is powerful, there's a good chance they can make this happen. Spend some money and remain free." According to the police officer, hired stand-ins are "not common but not rare either." As examples, the officer listed several high-ranking mafia figures whose underlings serve time in their stead. The mafia cares for the substitute's family and pays a bonus for the time served.

Sometimes, family members cover for each other. This is especially true in cases of traffic accidents, where the police may be able to identify the vehicle involved in the crime but not the

driver. In one case, as seen in this highly [graphic television segment](#) showing a drunk driver plowing through an old man, the driver's son admits he falsely "confessed" to the crime to prevent police from testing his father's blood-alcohol level. The police officer told me that in cases of drunk, unlicensed, or uninsured drivers, it "often happened" that a slightly more sympathetic substitute—someone who has insurance, a license, or is at least sober—would confess in the driver's place. [An adopted daughter](#) stood in for her father after a deadly accident; in another case, because witnesses took down the license plate of the car involved in a drunk-driving hit-and-run, the deputy director of the Xuchang County Forestry Bureau sent his wife to appear as his substitute.

Where photographs or video of the criminal at the scene of the crime have been widely circulated, however, it is necessary to use a body double. "The most successful instances are the ones nobody ever knows about," the police officer said. "You need a powerful trick to pull it off." Even the wealthy and influential may be unable to cover up an outrageous public crime—such as a horrific traffic accident—where there is widespread public outrage and online cries for criminal charges.

In October 2010, a young man driving drunk on the Hebei University campus struck two college women on rollerblades, killing one. The driver—the son of the deputy chief of the district police—continued on, dropping off his girlfriend. When security guards and students finally stopped him, he shouted: "Charge me if you dare. [My father is Li Gang](#)." This scandal seemed to encapsulate China's problems with corruption and abuse of power. Accusations of an attempted cover-up included conspiracy theories about a body double. Because Li Gang's son was known under two different names, Li Yifan and Li Qiming, rumors spread that one of these names belonged to the hired substitute. One Internet poster wrote sarcastically: "Even if he had received a life sentence, he could still find someone to be his stand-in!"

"Replacement convicts" are not new. For centuries, the use of criminal substitutes was among the first things Westerners would mention when discussing China's legal system. Missionary and traveler Karl Gützlaff in 1834, French legal scholar Édouard Louis Joseph Bonnier in 1862, and American scholar [Owen Lattimore](#) in the 1930s wrote about the practice. In 1895, Taiwan missionary George Mackay [described](#) witnessing these replacement convicts: "It was an open secret that these men had nothing to do with the case, but were bribed to wear the cangue for six weeks." In 1899, Ernest Alabaster, a scholar of Chinese criminal law, wrote that courts "permitted" the real offenders to hire substitutes, and that such things "frequently happen, have for long happened, and—notwithstanding Imperial decrees to the contrary—will, under the system, always

happen.” [Supposedly](#), the going rate in 1848 for a replacement convict was 17 pounds, which would come to roughly \$2,000 in present-day dollars.

Incredibly, substitutes could be hired even for executions. Nineteenth-century traveler [Julius Berncastle](#), the Qing Dynasty author [De Fu](#), and the legal scholar [John Bruce Norton](#) each described substitute executions as regular events. This 1883 [report](#) from the Board of Punishments demanded an inquiry into how a youth named Wang Wen-shu “was wrongly convicted” and “was on the point of being executed as a substitute for one Hu T’ian, whose alias he was falsely declared to be.” T. T. Meadows, the British diplomat who convinced Western nations to copy China’s system of civil-service exams, [argued](#) that the phenomenon of substitute executions was not as surprising as it might seem. If a family is starving, wouldn’t many parents accept execution in exchange for enough money to save their children?

Some imperial Chinese officials who admitted to the use of substitute criminals justified its effectiveness. After all, the real criminal was punished by paying out the market value of his crime, while the stand-in’s punishment intimidated other criminals, keeping the overall crime rate low. In other words, a “cap-and-trade” policy for crime.

With China zigzagging from the extreme capitalism of hiring criminal substitutes to the extremes of communism, one might have thought *dìng zuì* would cease to exist. But with the return of capitalism, substitute criminals soon followed.

Nevertheless, this “trick” is becoming increasingly difficult to pull off thanks to the Internet. Chinese netizens can easily circulate photos to compare the image of an alleged perpetrator with the person who shows up in court. In fact, that happened in the case of Hu Bin, the drag racer who killed a pedestrian. Here are [posted](#) comparison photographs of Hu in his car after the accident and the man who appeared and reported to be Hu in the courtroom, with the simple questions: “Is this the same fucking person???? Is all of China blind?”

This [website](#) provides four photos: the mystery man in court; Hu after the accident; Hu in daily life; and a man alleged to be the substitute. The author notes distinctions between the men’s weight and the distances between the eyebrows, and cites an Internet survey in which 130 people felt the man in court was Hu, and 8,873 concluded he was a substitute.

To be clear, not everyone is convinced that Hu’s family hired a stand-in. Judicial authorities insist

the man sentenced was Hu, and the police officer I spoke with agreed. “This case is not one of *ding zui*. That family has only a moderate amount of wealth, and they don’t have any political power. The photos of the man in the car and in the court look like different people, but it’s just the camera angle and lighting,” he told me. The officer didn’t deny there may have been corruption involved. “There’s definitely something going on there. His sentence was just three years, which is very light, so maybe they have some kind of connections.”

It’s been three years since Hu’s sentencing, so last month someone walked free from prison.

But the question remains: Who was it?

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